

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SUNNYVALE AUTHORIZING THE FILING OF AN APPLICATION
FOR FEDERAL SURFACE TRANSPORTATION FUNDING FOR
ROADWAY REHABILITATION OF VARIOUS STREETS AND
COMMITTING THE NECESSARY NON-FEDERAL MATCH FOR
THE PROJECT AND STATING THE ASSURANCE OF THE CITY
OF SUNNYVALE TO COMPLETE THE PROJECT**

WHEREAS, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA) (Public Law 109-59, August 10, 2005) continues the Surface Transportation Program (23 U.S.C. § 133 and the Congestion Mitigation and Air Quality Improvement Program (CMAQ) (23 U.S.C. § 149); and

WHEREAS, the SAFETEA legislation will guide STP, CMAQ, and TE programming;
and

WHEREAS, pursuant to SAFETEA, and the regulations promulgated thereunder, eligible project sponsors wishing to receive Surface Transportation Program or Congestion Mitigation and Air Quality Improvement Program grants for a project shall submit an application first with the appropriate metropolitan transportation planning organization (MPO), for review and inclusion in the MPO's Transportation Improvement Program (TIP); and

WHEREAS, the Metropolitan Transportation Commission is the MPO for the San Francisco Bay region; and

WHEREAS, the City of Sunnyvale is an eligible project sponsor for Surface Transportation Program or Congestion Mitigation and Air Quality Improvement Program funds;
and

WHEREAS, the City of Sunnyvale wishes to submit an application to MTC for funds from the Surface Transportation Program Improvement Program in fiscal years 2006-07, 2007-08, and 2008-09 for the following project:

Roadway Rehabilitation of Various Streets:

- Ahwanee Drive from Fair Oaks Avenue to San Thomas Street
- Kifer Road from Commercial Street to Semiconductor Drive
- Commercial Street from Arques Avenue to Central Expressway
- Washington Avenue from Pastoria Avenue to Mathilda Avenue

WHEREAS, MTC requires, as part of the application, a resolution stating the following:

- 1) the commitment of necessary local matching funds of at least 11.47%; and
- 2) that the sponsor understands that the Surface Transportation Program and Congestion Mitigation and Air Quality Improvement Program funding is fixed at the programmed amount, and therefore any cost increase cannot be expected to be funded with Surface Transportation Program or Congestion Mitigation and Air Quality Improvement Program funds; and
- 3) the assurance of the sponsor to complete the project as described in the application, and if approved, as programmed in MTC's TIP; and
- 4) that the sponsor understands that funds must be obligated by June 30 of the year that the project is programmed for in the TIP, or the project may be removed from the program; and
- 5) that the sponsor has a certified pavement management system (PMS).

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUNNYVALE THAT the City of Sunnyvale is authorized to execute and file an application for funding under the Surface Transportation Program of SAFETEA in the amount of \$1,183,940 for Roadway Rehabilitation of Various Streets; and

BE IT FURTHER RESOLVED that the Sunnyvale City Council by adopting this resolution does hereby state that:

- 1) The City of Sunnyvale will provide \$153,392 in non-federal matching funds; and
- 2) The City of Sunnyvale understands that the Surface Transportation Program and Congestion Mitigation and Air Quality Improvement Program funding for the project is fixed at \$1,183,940, and that any cost increases must be funded by the City of Sunnyvale from local matching funds, and that the City of Sunnyvale does not expect any cost increases to be funded with Surface Transportation Program or Congestion Mitigation and Air Quality Improvement Program funds; and
- 3) The Roadway Rehabilitation of Various Streets will be built as described in this resolution and, if approved, for the amount shown in the Metropolitan Transportation Commission (MTC) Transportation Improvement Program (TIP) with obligation occurring within the timeframe established below; and
- 4) The program funds are expected to be obligated by June 30 of the year the project is programmed for in the TIP.

BE IT FURTHER RESOLVED that the City of Sunnyvale is an eligible sponsor of projects in the Surface Transportation Program; and

BE IT FURTHER RESOLVED that the City of Sunnyvale is authorized to submit an application for Surface Transportation Program funds for Roadway Rehabilitation of Various Streets; and

BE IT FURTHER RESOLVED that there is no legal impediment to the City of Sunnyvale making applications for Local Streets and Roads Shortfall Program funds; and

BE IT FURTHER RESOLVED that there is no pending or threatened litigation which might in any way adversely affect the proposed project, or the ability of the City of Sunnyvale to deliver such project; and

BE IT FURTHER RESOLVED that a copy of this resolution will be transmitted to the MTC in conjunction with the filing of the application; and

BE IT FURTHER RESOLVED that the MTC is requested to support the application for the project described in the resolution and to program the project, if approved, in MTC's TIP.

Adopted by the City Council at a regular meeting held on _____, 2006, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

City Clerk
(SEAL)

Mayor

APPROVED AS TO FORM AND LEGALITY:

David E. Kahn, City Attorney